

IN THE MATTER OF THE
THE APPLICATION OF
GOLDEN RING MINI-STORAGE
FOR VARIANCE ON PROPERTY
LOCATED ON SOUTH SIDE
PHILADELPHIA ROAD, 270' EAST
OF C/L ROSSVILLE BOULEVARD
(8821 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-279-A
* * * * *

OPINION

The Petitioner, Golden Ring Mini-Storage Associates, has filed an appeal from the decision of the Zoning Commissioner dated March 9, 1992, which denied the requested variances relating to a proposed sign for the subject property. Specifically, Petitioner sought approval to construct a sign is 45.25 sq. ft. (per face), a total area of 90.5 ft., in lieu of the 25 sq. ft. requirement; and to allow the sign to be 24 ft. in height, in lieu of the required 6 ft. The Petitioner, by Francis Preroff, appeared and offered testimony in support of the requested variances, represented by Anthony P. Papaigos, Esquire. The above variance requests were modified as set out in an Agreed Stipulation signed by the Protestants, the Nottingham Improvement Association, and the Petitioner, and entered into the record as Petitioner's Exhibit No. 1. No protestants testified at the hearing.

Petitioner testified that the property, located at 8821 Philadelphia Road, in the Golden Ring section of Baltimore County, is zoned M.L.; consists of approximately 5.5 acres; and is improved with 678 mini-storage units and an office. Petitioner further testified that the new sign would replace the existing sign, and the requested variances were necessary due to major improvements to Philadelphia Road, including road widening and straightening, which

Case No. 92-279-A Golden Ring Mini-Storage

impact the location of the current sign, part of which would lie within the roadbed or right-of-way.

In addition, Petitioner further stated that an 8-foot security fence, which was recently moved 15 ft. back from the right-of-way, is necessary in order to operate the storage facility, and the sign, which is to be located within this fence, must clear the fence in order to be seen.

In order to grant a variance, Petitioner must meet the test contained in McLean v. Soley, 270 Md. 208 (1973) which establishes the following criteria for determining practical difficulty or unreasonable hardship:

- 1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Based upon the testimony, evidence and exhibits offered, the Board finds as a fact that Petitioner would experience practical difficulty and unreasonable hardship if the requested variances were denied. Further, this Board does not believe that substantial injustice would be done to the community if the requested variances were granted with restrictions.

Therefore, the Board will grant the requested variances,

Case No. 92-279-A Golden Ring Mini-Storage

pursuant to the terms and conditions of the Agreed Stipulation of the parties, and as shown on Petitioner's Exhibit No. 2, and will so order.

ORDER

FOR THE ABOVE REASONS, IT IS THEREFORE this 24th day of September, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Zoning Variance from Sections 413.6.B.1 and 413.6.B.2 of the Baltimore County Zoning Regulations to construct a sign in accordance with Petitioner's Exhibit No. 2 be and the same is hereby GRANTED, subject to the following terms and conditions:

1. The sign and its aesthetic characteristics shall be as displayed in the sketch prepared by DMS Sign Construction, Inc., dated July 16, 1992, and entered as Petitioner's Exhibit No. 2.
2. The square footage of the sign shall be reduced from 45.25 sq. ft., per face, to 24 sq. ft., per face, and reduced from a total area of 90.5 ft. to 48 ft.
3. The height of the sign shall be reduced from 24 ft. to 12 ft.
4. The colors of the sign shall at all times match the colors of the existing buildings on the property.
5. The sign may be illuminated, but shall contain the necessary timing feature such that after 11:00 p.m. all such lighting shall be turned off. No lighting past 11:00 p.m. on any night shall be permitted.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William Clark
C. William Clark

S. Diane Levero
S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
S/S Philadelphia Road
E of c/l Rossville Blvd.
8821 Philadelphia Rd.
14th Election Dist.
6th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No.: 92-279-A

* Golden Ring Mini-Storage Associates
* Petitioner

* * * * *

MOTION TO STRIKE AND ENTER APPEARANCE

Please strike the appearance of F. Vernon Boozer as counsel for the Petitioner, GOLDEN RING MINI-STORAGE, and enter the appearance of Anthony P. Palaigos as counsel for said Petitioner.

F. Vernon Boozer
F. VERNON BOOZER
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441

Anthony P. Palaigos
ANTHONY P. PALAIGOS
Blum, Yunkas, Mailman, Gutman and Denick, P.A.
2 Hopkins Plaza, Suite 1200
Baltimore, Maryland 21201
(410) 385-4027
Attorney for Petitioner,
Golden Ring Mini-Storage

92-06-12.mr

IN RE: PETITION FOR ZONING VARIANCE
S/S Philadelphia Rd, 270 ft.
E of c/l Rossville Blvd.
8821 Philadelphia Rd.
14th Election District
6th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-279-A

* Golden Ring Mini-Storage Associates
* Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 413.6.B.1 and 413.6.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) as they relate to a proposed sign for the property located at 8821 Philadelphia Road in the Golden Ring section of Baltimore County. Specifically, the Petitioner seeks approval to construct a sign which is 45.25 sq. ft. (per face), a total area of 90.5 ft., in lieu of the 25 sq. ft. requirement; and to allow the sign to be 24 ft. in height, in lieu of the required 6 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Golden Ring Mini-Storage Associates, by Francis Preroff, appeared, testified and was represented by F. Vernon Boozer, Esquire. Appearing in opposition to the Petition was Hunter E. Bush and Marie Simoes, of the Nottingham Improvement Association, Inc.

Mr. Preroff testified that he is employed by Mount Royal Management Company, the property manager for the above site. The business on the property is a commercial/residential warehouse facility. The business is known as Golden Ring Mini-Storage Associates and is similar to the many

mini-storage operations throughout Baltimore County. That is, the business leases warehouse storage space to residential and commercial clients. Mr. Preroff testified that the business has been located at this site for approximately 10 years and that 70% of the leasable warehouses are rented.

Mr. Preroff described the property and testified that the subject site is approximately 5.56 acres in size, and is split zoned M.L.-I.M. and D.R.16. Access to the site is from Philadelphia Road. Although there is another entrance off of Yellow Brick Road, that entrance is gated and not used. Mr. Preroff noted that many of the clients of the business rent for a short period of time and there is need for a larger and more visible sign than what currently exists. He described the existing sign which complies with the regulations and is adjacent to the Philadelphia Road entrance. In his view, this sign is not sufficient for the business purposes. He argues that, because the entrance is located at a curve on Philadelphia Road and due to the existing speed limit on the roadway, his clients frequently miss the entrance to the property. Also, he believes that the company's advertising requirements support the need for the proposed sign.

In opposition to the Petition, Mr. Bush testified and registered several objections. Although he lives approximately 2-1/2 miles from the site, he drives along the Philadelphia Road frequently and believes that the proposed sign would be unsightly and unnecessary. He further opined that the flow of the existing traffic at the subject locale is already burdened by commercial uses and signs.

Also testifying in opposition to the proposed sign was Mrs. Marie Simoes. She represents the Nottingham Improvement Association. She be-

lieves that a 70% occupancy rate is sufficient and that additional advertising is not needed. She also echoed Mr. Bush's concerns over the adverse impact on traffic. Most importantly, she noted the existing residences which are adjacent to this property. She feels that this sign will adversely affect those residences, particularly since the sign is to be lighted and of a substantial height.

Also noted are the Zoning Advisory (ZAC) comments which has been adopted in this case. Specifically, the Office of Planning and Zoning recommends denial of the Petition. Within that comment, all of the above noted objections to the sign are offered.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony

presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Simply stated, the Petitioner has not offered sufficient testimony to demonstrate a substantive need for the sign and that practical difficulty would result if same was denied.

Further, due to the height and size of the sign, I find that adverse impact would result to the community if the Petition was granted. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1992 that a variance from Sections 413.6.B.1 and 413.6.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking approval to construct a sign which is 45.25 sq. ft. for each space in the area, in lieu of the 25 sq. ft. total face requirement; and a variance to allow the sign to be 24 ft. in height, in lieu of the required 6 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date *3/10/92*
By *Th. Hackett*

ORDER RECEIVED FOR FILING
Date *3/10/92*
By *Th. Hackett*

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning, Planning and Zoning
Office of Planning and Zoning



(410) 887-4386

March 5, 1992

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 92-279-A
Golden Ring Mini-Storage Associates, Petitioner

Dear Mr. Booser:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mm
enc.
cc: Mr. Francis P. Preroff, Mt. Royal Management Co.
cc: Mrs. Marie Simoes, Nottingham Improv. Assoc.
cc: Mr. Hunter E. Bush

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance for the property located at 8821 Philadelphia Road, 14th Election District, 6th Councilmanic District, in the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, on the following date:

Case Number: 92-279-A
S/S Philadelphia Road, 270' E of c/l Rossville Boulevard
8821 Philadelphia Road
14th Election District
6th Councilmanic District
Petitioner: Golden Ring Mini-Storage Associates
Hearing Date: Wednesday, March 4, 1992, at 2:00 p.m.
Variance: to allow a 45.25 square foot sign in lieu of 25 square feet; and to allow a sign with a height of 24 feet in lieu of the maximum 6 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
NJ/2008 February 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/14/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13/92.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$75.01

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance for the property located at 8821 Philadelphia Road, 14th Election District, 6th Councilmanic District, in the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, on the following date:

Case Number: 92-279-A
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8821 Philadelphia Road
14th Election District
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Petitioner: Golden Ring Mini-Storage Associates
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LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
NJ/2008 February 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/14/92

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13/92.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlan
Publisher

\$75.01

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.6.B.1, to allow a 45.25 sq. ft. sign in lieu of 25 sq. ft. and from Section 413.6.B.2 to allow a sign with a height of 24 ft. in lieu of the maximum six feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Golden Ring Mini-Storage Associates
Signature	<i>F. Vernon Booser</i>
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	8821 Philadelphia Road
F. Vernon Booser	Address
Signature	Baltimore, Maryland
614 Bosley Avenue	City and State
Towson, Maryland 21204	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State	F. Vernon Booser
Attorney's Telephone No.: 828-9441	614 Bosley Avenue
	Towson, Maryland 21204
	Address
	Phone No.

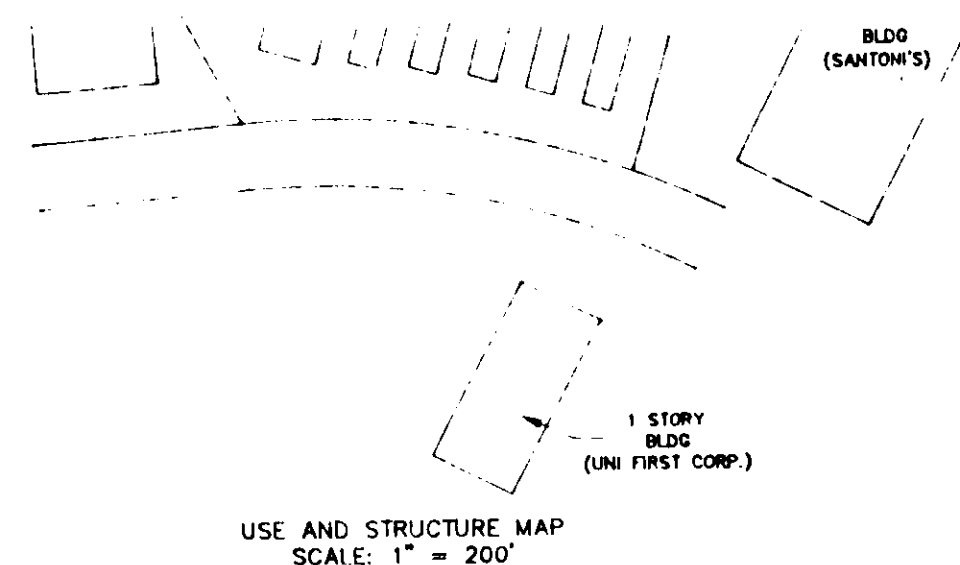
ORDERED By The Zoning Commissioner of Baltimore County, this day of March, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of March, 1992, at o'clock

(over)
Zoning Commissioner of Baltimore County.

STATEMENT OF HARDSHIP AND PRACTICAL DIFFICULTY

The portion of Petitioner's property which will contain the new sign fronts Philadelphia Road for 254'. This portion of Philadelphia Road is characterized by heavy commercial and residential traffic. Philadelphia Road serves as a major artery between the Golden Ring shopping complexes and the White Marsh area.

Petitioner's property is located at the beginning (if traveling north) and the end (if traveling south) of a portion of road marked by a "Caution, Winding Road: 25 m.p.h." traffic sign. Because of its unique location on Philadelphia Road, the fact that the buildings are all one-story only and are set back from the road, the establishment is difficult to adequately locate from either direction of Philadelphia Road. The larger sign is necessary because the normal sign would not be visible enough to the public traveling Philadelphia Road. Customers looking for the storage facility would have to impede other traffic at an already hazardous location to adequately locate the facility.



DESCRIPTION:

BEGINNING FOR THE SAME AT A POINT WHERE THE CENTER LINE OF MAYFLOWER ROAD INTERSECTS WITH THE SOUTH SIDE OF PHILADELPHIA ROAD (80 FEET WIDE), THENCE BEGINNING ON THE LAST MENTIONED ROAD IN A WESTERLY DIRECTION 270 FEET MORE OR LESS TO THE PLACE OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES:
1) SOUTH 24 DEGREES 55 MINUTES 24 SECONDS WEST 634.74'
2) WITH A LINE CURVING TO THE LEFT HAVING A RADIUS OF 685' AND A ARC LENGTH OF 400'
3) NORTH 69 DEGREES 20 MINUTES 16 SECONDS WEST 123.11'
4) NORTH 4 DEGREES 16 MINUTES 07 SECONDS WEST 839.86'
5) WITH A LINE CURVING TO THE RIGHT HAVING A RADIUS OF 810' AND A ARC LENGTH OF 254.08'
TO THE PLACE OF BEGINNING AND BEING A PORTION OF THAT LAND RECORDED IN LIBER ENW, JR. 6175 FOLIO Q39.

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 2/25/92

Golden Ring Mini-Storage Associates
8821 Philadelphia Road
Baltimore, Maryland 21207

RE:
CASE NUMBER: 92-279-A
S/S Philadelphia Road, 270' E of c/l Rossville Boulevard
8821 Philadelphia Road
14th Election District - 6th Councilmanic
Petitioner(s): Golden Ring Mini-Storage Associates

Dear Petitioner(s):

Please be advised that \$100.01 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

AMKLD JARLAN
DIRECTOR

cc: F. Vernon Booser, Esq.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th
Posted for: Variance
Petitioner: Golden Ring Mini-Storage Assoc.
Location of property: S/S Phil. Rd., 270' E of Rosv. Blvd.
Location of Sign: 270' Phil. Rd., approx. 10' E of 700' W. Ave., etc.
Remarks: Properly placed.
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th
Posted for: Variance
Petitioner: Golden Ring Mini-Storage Assoc.
Location of property: S/S Phil. Rd., 270' E of Rosv. Blvd.
Location of Sign: 270' Phil. Rd., approx. 10' E of 700' W. Ave., etc.
Remarks: Properly placed.
Posted by: [Signature]
Number of Signs: 1

NOTICE OF HEARING

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 28, 1992

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-279-A
S/S Philadelphia Road, 270' E of c/l Rossville Boulevard
8821 Philadelphia Road
14th Election District - 6th Councilmanic
Petitioner(s): Golden Ring Mini-Storage Associates
HEARING: WEDNESDAY, MARCH 4, 1992 at 2:00 p.m.

Variance to allow a 45.25 square foot sign in lieu of 25 square feet; and to allow a sign with a height of 24 feet in lieu of the maximum 6 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Golden Ring Mini-Storage Associates
F. Vernon Booser, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 5, 1992

F. Vernon Boozer, Esquire
614 Borley Avenue
Towson, MD 21204

RE: Item No. 294, Case No. 92-279-A
Petitioner: Golden Ring Mini-Storage
Petition for Zoning Variance

Dear Mr. Boozer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: February 5, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
W. Carl Richards Jr.
W. Carl Richards
Coordinator

WCR:jw
Enclosures

cc: Golden Ring Mini-Storage Associates
8821 Philadelphia Road
Baltimore, MD 21237

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of January, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Golden Ring Mini-Storage Associates
Petitioner's Attorney: F. Vernon Boozer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 25, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Golden Ring Mini-Storage Associates, Item No. 294

The Office of Planning and Zoning does not support the Petitioner's request for a larger business sign at the subject location for the following reasons:

"This mini-storage facility is located in an industrial area on the southeast side of Philadelphia Road known as the Rossville Industrial Park. Vehicular access to this facility is provided from both Philadelphia Road and Yellow Brick Road; however, none of the other uses in the industrial park have vehicular access to Philadelphia Road. Staff is not aware of any other business signs on Philadelphia Road in the vicinity of the subject site. In addition, the mini-storage facility and its driveway entrance and existing business sign are adequately visible to motorists on Philadelphia Road.

"The character and zoning of the general area on the northwest side of Philadelphia Road are predominately residential. There is a vacant, 1-acre RO zoned parcel directly opposite the subject site but it is being given strong consideration for rezoning to DR 3.5 in the 1992 Comprehensive Zoning Map Process (see Issue 6-028). The existing business sign is much more compatible in proximity to this residential area than the proposed sign.

"The State Highway Administration plans to straighten the hazardous curve referenced in the petitioner's Statement of Hardship and Practical Difficulty. It is expected that this project will begin in June of 1992 and be completed before June of 1993.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:
Dennis Wertz
Dennis Wertz
Jeffrey Long
Jeffrey Long

GLK/JL:rdn
ITEM294/TXTROZ

92-279-A 3-4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 13, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 28, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will be required.

For Item 297, the previous County Review Group Comments still remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

92-279-A 3-4

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 28, 1992

This office has no comments for item numbers 285, 290, 291, 292, 294, 295 and 296.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 30, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

EE: Property Owner: GOLDEN RING MINI-STORAGE ASSOCIATES
Location: #8821 PHILADELPHIA ROAD
Item No.: 294 Zoning Agenda: JANUARY 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Keck* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: January 29, 1992

RE: Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

RECEIVED
JAN 30 1992
ZONING OFFICE



April 29, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S Philadelphia Road, 270 ft. E of c/l Rossville Blvd.
(8821 Philadelphia Road)
14th Election District, 6th Councilmanic District
GOLDEN RING MINI-STORAGE - Petitioner
Case No. 92-279-A

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on March 30, 1992 by Anthony P. Palaigos, Attorney
on behalf of Petitioner. All materials relative to the case are being
forwarded herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Anthony P. Palaigos
Anthony P. Palaigos, Esquire

LES:cer

Enclosures

cc: Francis Preroff - Mt. Royal Management Co.
1233 Mt. Royal Avenue, Baltimore, MD 21217

Anthony P. Palaigos - Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

F. Vernon Boozer, Esquire - 614 Bosley Ave., Towson, MD 21204

Hunter E. Bush - 9223 Ravenwood Road, Baltimore, MD 21237

Marie Simoes, Nottingham Improvement Association
1314 Spotswood Road, Baltimore, MD 21237

People's Counsel - 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Zoning Variance
S/S Philadelphia Road, 270 ft. E of c/l Rossville Blvd.
(8821 Philadelphia Road)
14th Election District - 6th Councilmanic District
GOLDEN RING MINI-STORAGE - Petitioner
Case No. 92-279-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's & Protestants Sign-In Sheets

Petitioner's Exhibits: Plan to accompany Petition (Not marked as #1)

Protestant's Exhibits: Letter of Opposition (Not marked as #1)

Zoning Commissioner's Order dated March 9, 1992 (Denied)

Notice of Appeal received March 30, 1992 from Anthony P. Palaigos,
Attorney for Petitioner

cc: Francis Preroff - Mt. Royal Management Co.
1233 Mt. Royal Avenue, Baltimore, MD 21217

Anthony P. Palaigos - Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

F. Vernon Boozer, Esquire - 614 Bosley Ave., Towson, MD 21204

Hunter E. Bush - 9223 Ravenwood Road, Baltimore, MD 21237

Marie Simoes, Nottingham Improvement Association
1314 Spotswood Road, Baltimore, MD 21237

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Director DATE: October 27, 1992

FROM: LindaLee M. Kuszmaul
County Board of Appeals

SUBJECT: Closed Files
Case No. R-90-407 (Tell Bin Der) and 92-279-A (Golden
Ring Mini-Storage)

As no further appeals have been taken regarding the subject
cases, we have closed the files and are returning same to you
herewith.

Linda

Attachments



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 24, 1992

Anthony P. Palaigos, Esquire
BLUM, YUMKAS, MAILMAN, GUTMAN
& DENICK, P.A.
1200 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, MD 21201-2914

RE: Case No. 92-279-A
Golden Ring Mini-Storage

Dear Mr. Palaigos:

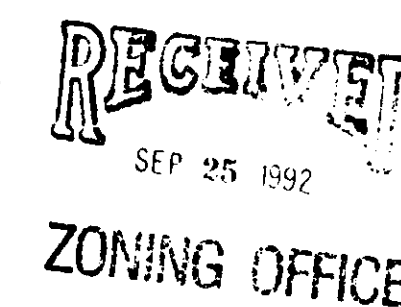
Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

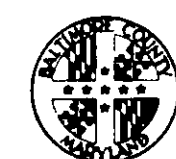
encl.

cc: Mr. Francis Preroff /
Mt. Royal Management Co.
Mr. Hunger E. Bush
Ms. Marie Simoes /
Nottingham Improvement Association
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration



5/11/92 - Following parties notified of hearing set for September
10, 1992 at 10:00 a.m.:

Anthony P. Palaigos, Esquire
Mr. Francis Preroff
F. Vernon Boozer, Esquire
Mr. Hunter E. Bush
Ms. Marie Simoes - Nottingham Impr. Assoc.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

May 11, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-279-A

GOLDEN RING MINI-STORAGE
S/S Philadelphia Road, 270' E of
c/l Rossville Blvd. (8821 Phila-
delphia Road)
14th Election District;
6th Councilmanic District

VAR-sign/size and height

3/9/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: THURSDAY, SEPTEMBER 10, 1992 AT 10:00 a.m.

cc: Anthony P. Palaigos, Esquire - Counsel for
Petitioner/Appellant

Mr. Francis Preroff

F. Vernon Boozer, Esquire

Mr. Hunter E. Bush

Ms. Marie Simoes - Nottingham Impr. Assoc.

People's Counsel for Baltimore County

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

LAW OFFICES
BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P.A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

ANTHONY P. PALAIGOS

March 26, 1992

The Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Attention: Charlotte Radcliffe

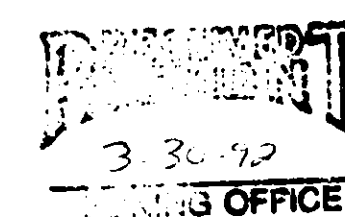
Re: Golden Ring Mini Storage
Case No. 92-279-A
Subject: Request for Appeal to Baltimore County
Board of Appeals
Our File No. 7383(61)

Dear Ms. Radcliffe:

Please be advised that this office has been retained by
Golden Ring Mini-Storage Associates in regards to the decision
rendered by the Zoning Commissioner in the above captioned case
dated March 9, 1992.

The purpose of this letter is to specifically request
that you enter an appeal by Golden Ring Mini-Storage Associates,
8821 Philadelphia Road, Baltimore, Maryland, from the Order of
the Zoning Commissioner in Case No. 92-279-A issued on March 9,
1992.

I am also enclosing herewith our check made payable to
Baltimore County, Maryland in the amount of \$150.00 which
represents the cost of taking the aforesaid appeal.



COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPALUA
THOMAS P. DORE

FAX 410-823-7630

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

June 30, 1992

BALTIMORE COUNTY BOARD OF APPEALS
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
S/S Philadelphia Road, E of c/l Rossville Blvd.
8821 Philadelphia Road, 14th Election District
6th Councilmanic District
GOLDEN RING MINI-STORAGE
Case No.: 92-279-A

Dear Sir/Madam:

Enclosed herewith please find a Motion to Strike and Enter
Appearance with regard to the above-captioned case.

Thank you for your attention to this matter.

Very truly yours,

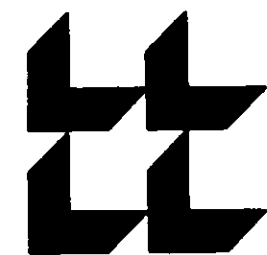
F. Vernon Boozer
F. VERNON BOOZER

FVB/mdr
Enclosure

cc: Anthony P. Palaigos, Esquire

30'mr.09

MT. ROYAL
MANAGEMENT
C.
1133 Mt. Royal Avenue
Baltimore, Maryland
21217



June 17, 1992

F. P. Vernon Boozer, Esq.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Golden Ring Mini Storage
Case No. 92-279-A

Dear Mr. Boozer,

We appreciate your efforts in the above referenced case, and the reminder concerning our appeal of the decision.

For the appeal process, we have engaged the services of Anthony Palaigos of Blum, Yumkas, Mailman, Gutman, & Denick.

We hope to be able to utilize your services in the future.

Sincerely,

Francis P. Preroff
Francis P. Preroff
Chief Property Manager

/nlc

301-727-4586

Nottingham Improvement Association, Inc.

(NOTTINGHAM)
Baltimore, Maryland 21237

February 16, 1992

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case Number 92-279-A

Dear Commissioner Schmidt:

As vice-president of the Nottingham Improvement Association, Inc. representing seventy-five homes in Nottingham located on Philadelphia Road, I wish to express the opposition of our community to the variance requested by Golden Ring Mini-Storage Associates.

Several members of our community participated in the development of the Philadelphia Road Corridor Study chaired by Mr. Dennis Wertz of Baltimore County Planning and Zoning. One of the major decisions reached by this committee composed of business, professional, and community representatives involved the use of signs along the corridor. The committee agreed on the need to monitor the size, height, and design of signs requested by businesses along this corridor. The residential side of the Philadelphia Road corridor does not want the established quality of life in the area negatively affected by ostentatious and gigantic signs. We believe that businesses can advertise their presence by tasteful and reasonable signs as represented by Umerly Trucking, A and J Electric, and Baltimore Rigging.

Therefore, we are requesting that you deny the petition by Golden Ring Mini-Storage Associates to erect a larger sign with a height of 74 feet. We feel that such a sign will be detrimental to the quality of life and value of residential properties in the area.

We appreciate your consideration of our request.

Sincerely,

Marie Q. Simoes

Marie Q. Simoes

1314 Nottingham Rd.
Nottingham, MD 21237

RECEIVED
FEB 19 1992
ZONING OFFICE

IN THE MATTER OF
PETITION FOR ZONING VARIANCE
S/S OF PHILADELPHIA ROAD, 270 FT.
E. OF C/A ROSSVILLE BOULEVARD
8821 PHILADELPHIA ROAD
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

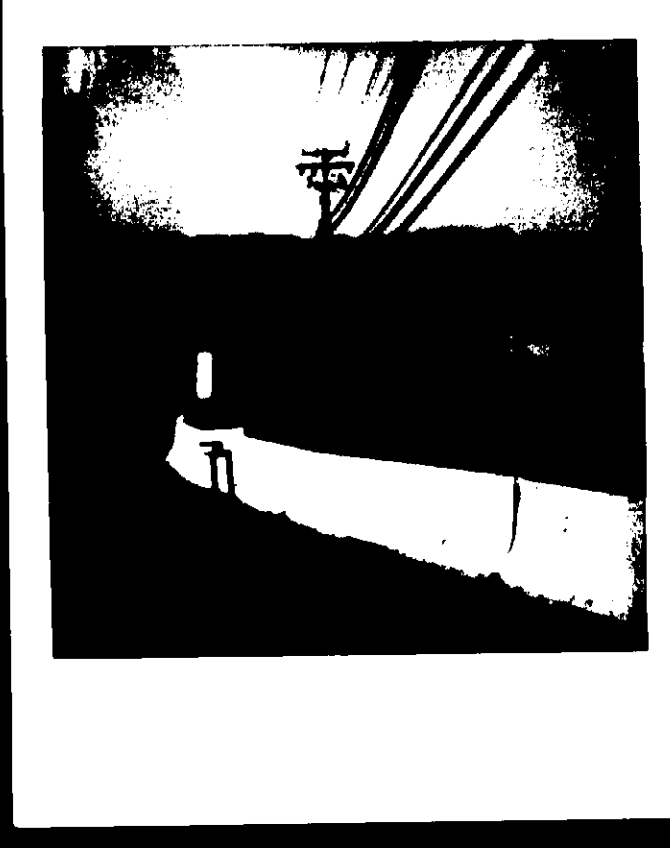
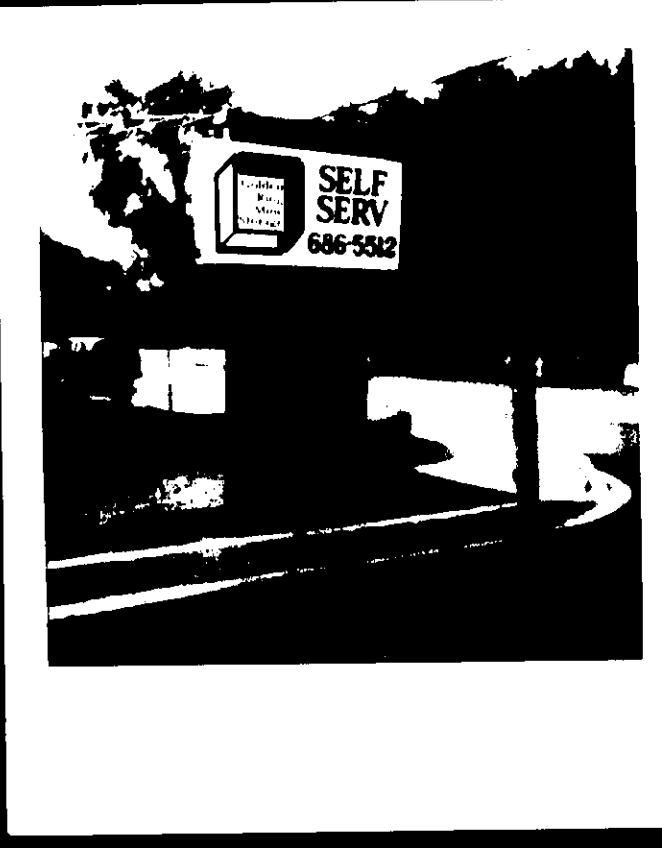
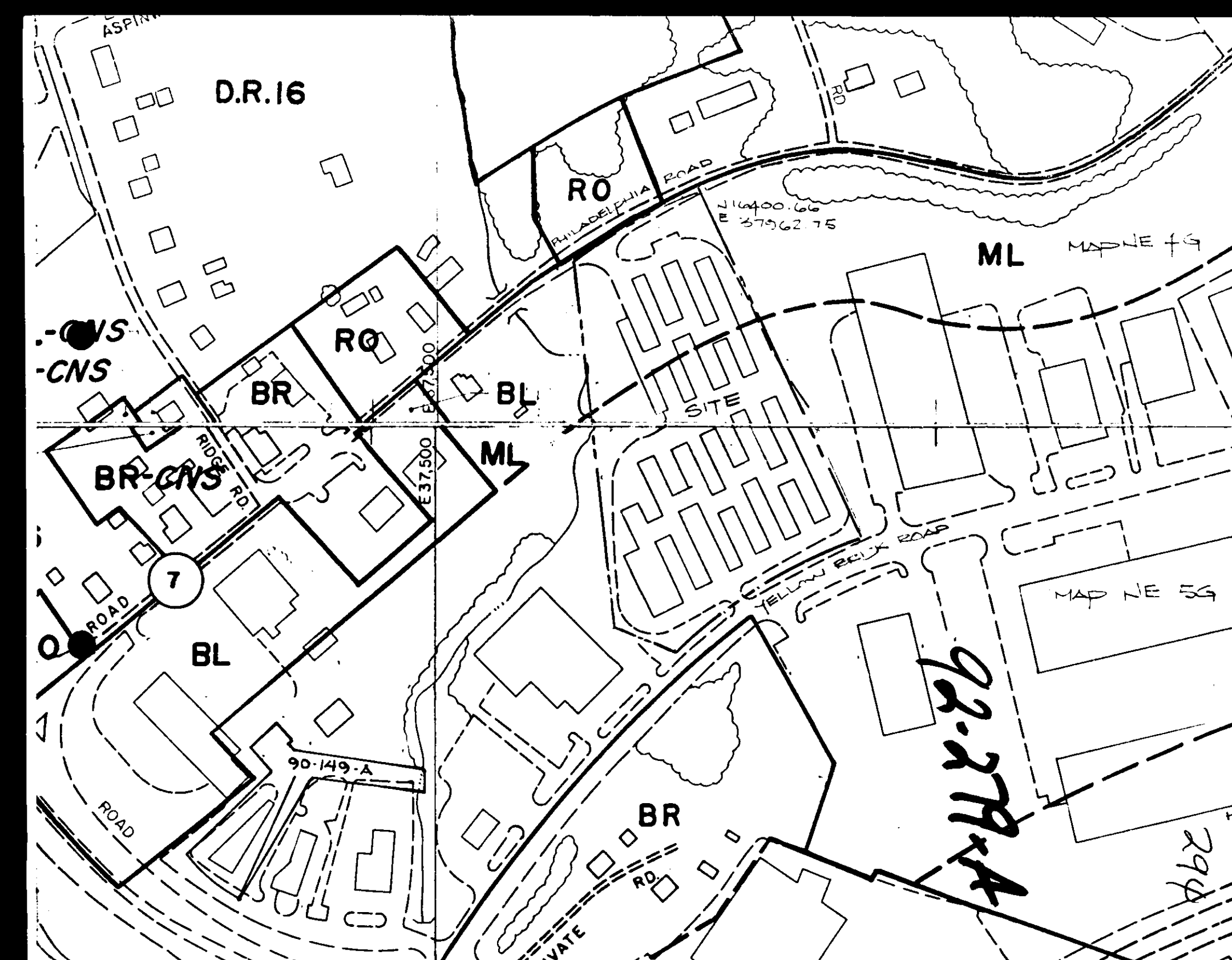
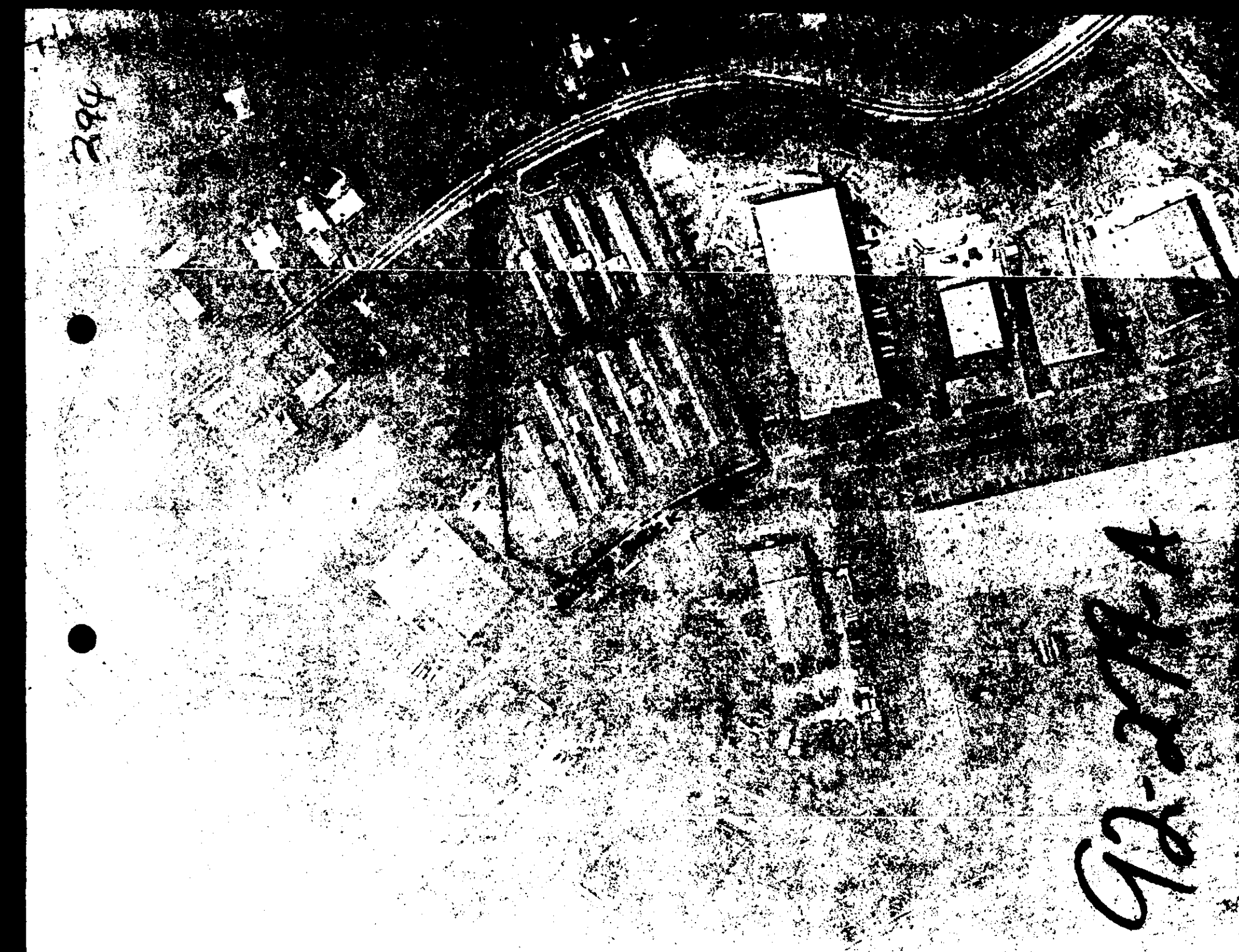
IN THE
COUNTY BOARD OF
APPEALS OF
BALTIMORE COUNTY
Case No. 92-279-A

Petitioner

AGREED STIPULATION

The undersigned, Nottingham Improvement Association, by Hunter E. Bush and Marie Simoes, has reached an agreement with the Petitioner and certifies to the County Board of Appeals (the "Board"), under penalty of perjury, the following:

1. The Petitioner, Golden Ring Mini-Storage Associates, requested a variance from the applicable Sections of the Baltimore County Zoning Regulations as they relate to a proposed sign for the real property located at 8821 Philadelphia Road (the "Property").
2. The Petitioner originally sought said variance to construct a sign which is 45.25 square feet (per face) for a total area of 90.5 square feet at a height of 24 feet.
3. A hearing was held before the Zoning Commissioner of Baltimore County, Lawrence E. Schmidt, which resulted in his Order of March 9, 1992 denying the Petitioner's request.
4. The undersigned appeared at the hearing and testified in opposition to the Petitioner's request.
5. The Petitioner appealed the decision of the Zoning Commissioner to the Board and a hearing is scheduled to be heard by the Board on September 10, 1992.



THIS SIGN PROPERTY OF
DATE
REPRESENTATIVE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Francis P. Preroff
F. Vernon Boozer, Esq.

ADDRESS

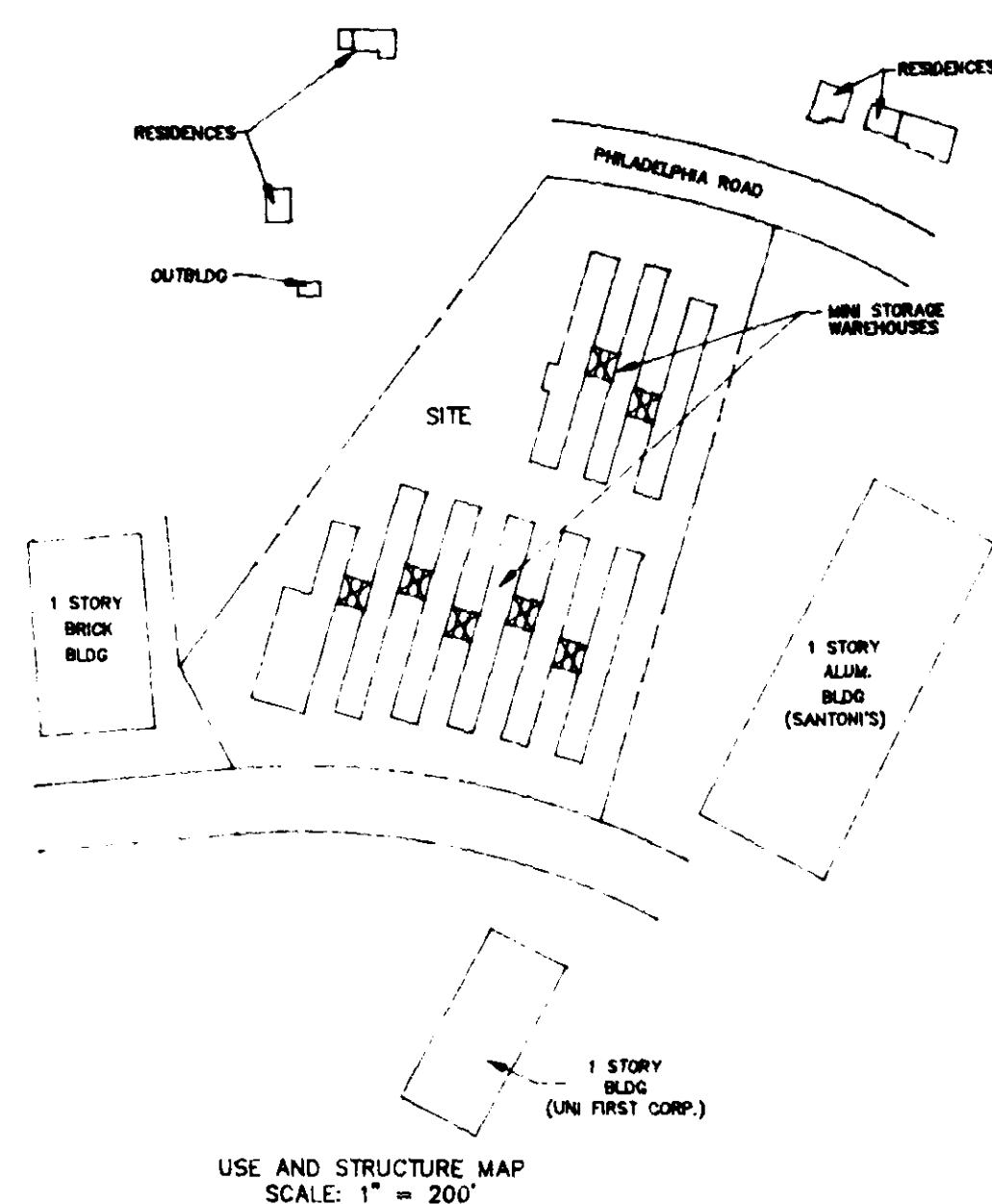
PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
Marie Q. Simoes
Hunter E. Bush

ADDRESS

1314 Nottingham Rd.
Nottingham, MD 21237



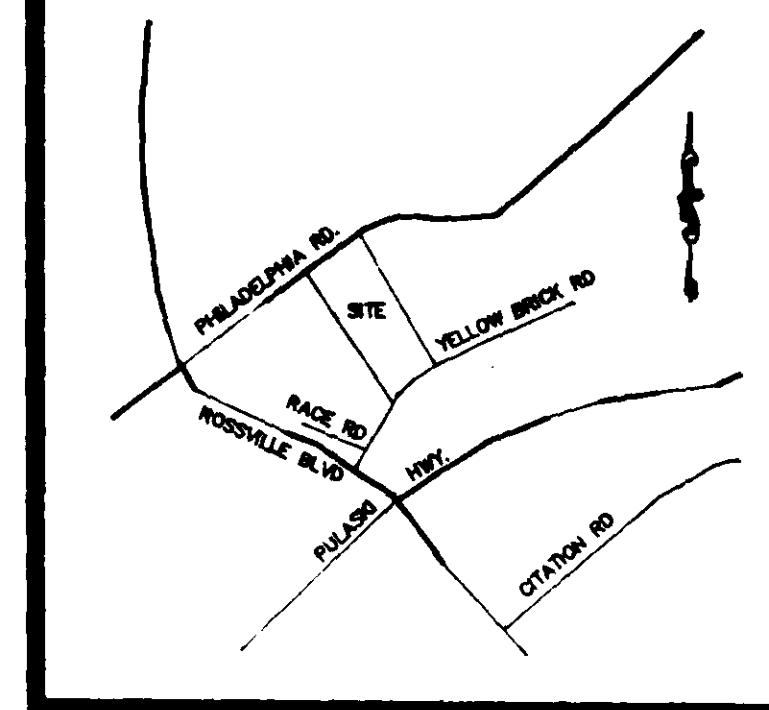
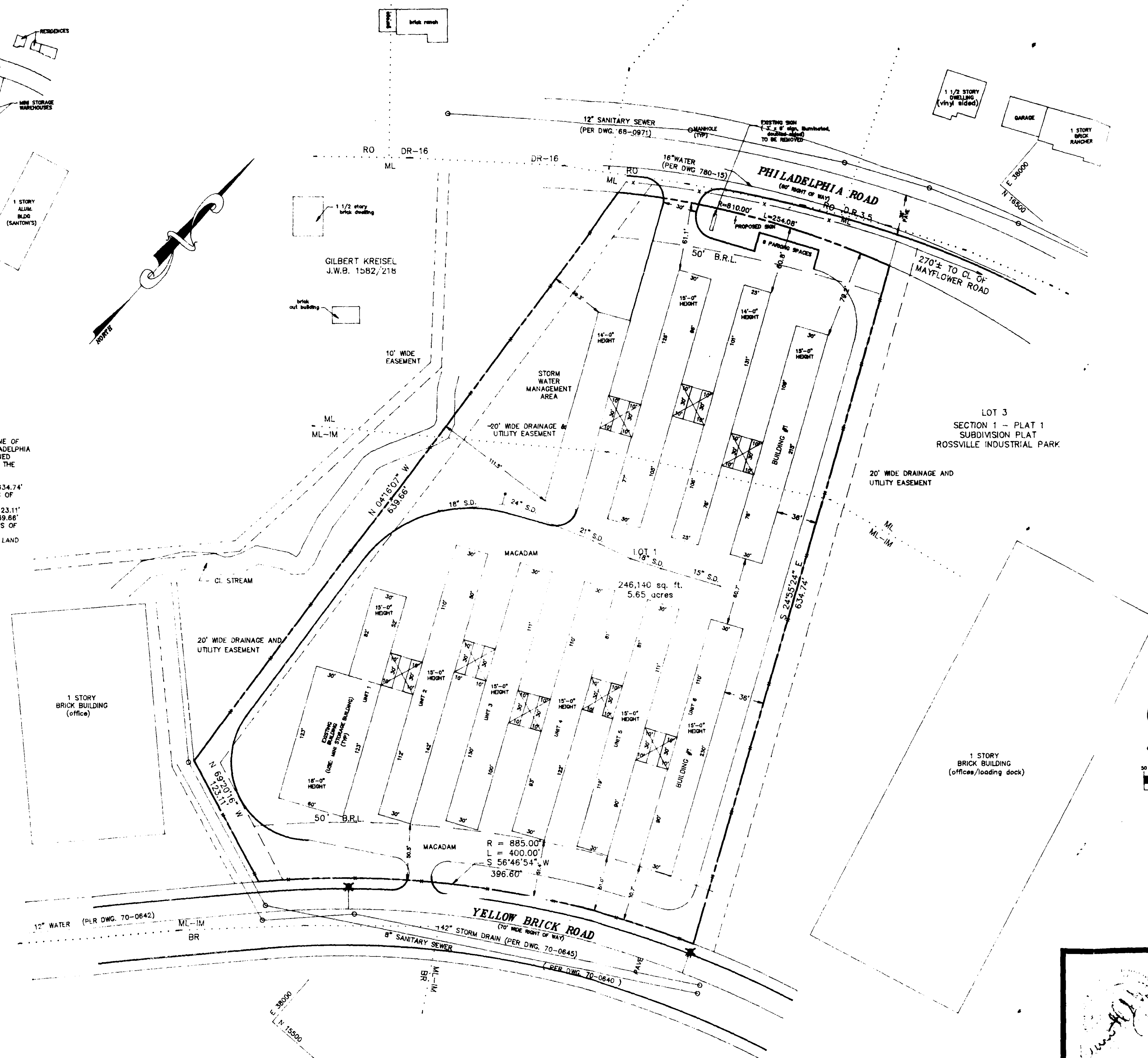
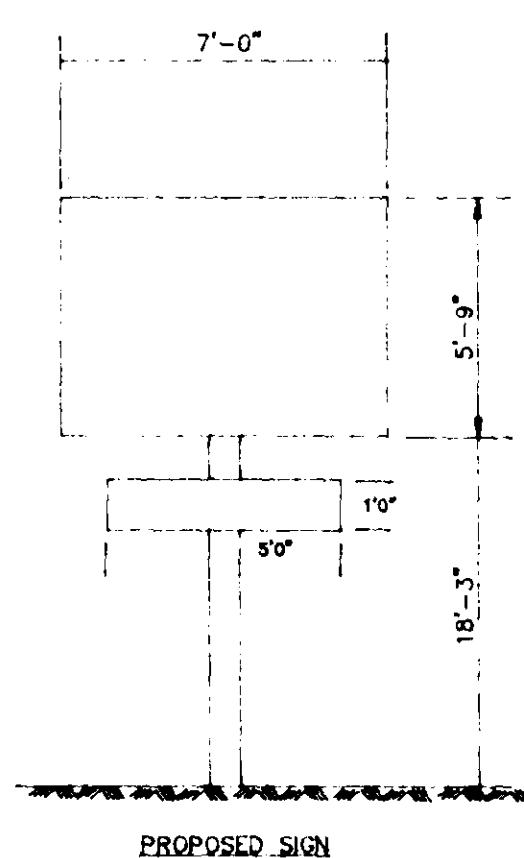
DESCRIPTION:

BEGINNING FOR THE SAME AT A POINT WHERE THE CENTER LINE OF MAYFLOWER ROAD INTERSECTS WITH THE SOUTH SIDE OF PHILADELPHIA ROAD (80 FEET WIDE), THENCE BINDING ON THE LAST MENTIONED ROAD IN A WESTERLY DIRECTION 270 FEET MORE OR LESS TO THE PLACE OF BEGINNING, THENCE THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 24 DEGREES 55 MINUTES 24 SECONDS WEST 634.74'
- 2) WITH A LINE CURVING TO THE LEFT HAVING A RADIUS OF 885' AND AN ARC LENGTH OF 400'
- 3) NORTH 69 DEGREES 20 MINUTES 16 SECONDS WEST 123.11'
- 4) NORTH 4 DEGREES 16 MINUTES 07 SECONDS WEST 639.66'
- 5) WITH A LINE CURVING TO THE RIGHT HAVING A RADIUS OF 610' AND AN ARC LENGTH OF 254.08'

TO THE PLACE OF BEGINNING AND BEING A PORTION OF THAT LAND RECORDED IN LIBER EHK, JR. 6175 FOLIO 039.

LOT 1A
SECTION 1 - PLAT 1
SUBDIVISION PLAT
ROSSVILLE INDUSTRIAL PARK
PLAT REFERENCE: O.T.G. 34/79



SITE DATA
TOTAL AREA = 5.56 ACRES±
EXISTING ZONING: MLML-IMDR-16
TOTAL NUMBER OF EMPLOYEES: 1
TOTAL PARKING SPACES REQ'D: 1
TOTAL PARKING SPACES PROVIDED: 6

PREVIOUS COMMERCIAL PERMIT:
PERMIT NUMBER: B 108199
CONTROL NUMBER: S-7637
DATE OF LAST IMPROVEMENT: 10/7/91

AREA OF BLDGS = 246,114 F.A.R. = 0.28
TOTAL SITE = 69,023

PROPOSED SIGN:
5'9" HIGH 7' WIDE DOUBLE FACE
INTERNALLY ILLUMINATED Pylon SIGN,
24' HEIGHT

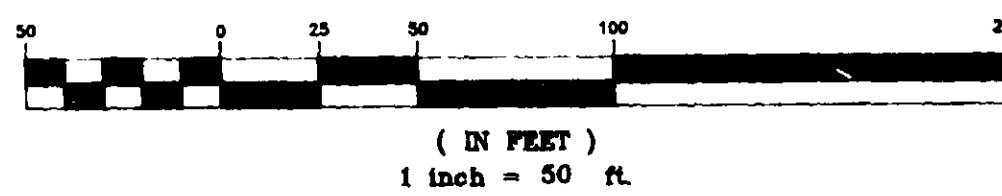
NOTES:
CURRENT OWNER: GOLDEN RING MINI-STORAGE ASSOCIATES
OWNER'S ADDRESS: 8821 PHILADELPHIA ROAD
OWNER'S TELEPHONE NUMBER: (410) 727-4586
APPLICANT'S NAME: MT. ROYAL MANAGEMENT CO.
DEED REFERENCE: EHK, JR. 6175/039
TAX NO. 1

ZONED: MLML-IM
GROSS AREA: 246,114 SQ. FT.
TYPE OF BUSINESS: MINI STORAGE WAREHOUSE
ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 6th
PROPERTY NOT LOCATED IN A COASTAL ZONE
NO PRIOR HEARINGS

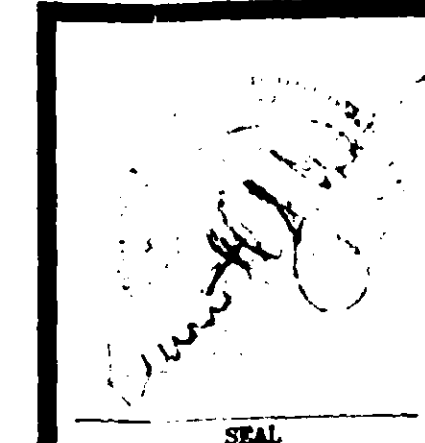
VARIANCE REQUESTED:
1) TO ALLOW A 45.25 SQUARE FEET PER
FACE SIGN IN LIEU OF 25 SQUARE FEET AS
DEFINED IN SECTION 413.6.8.1
2) TO ALLOW A SIGN WITH A HEIGHT OF
24 FEET IN LIEU OF THE MAXIMUM 6 FEET
AS DEFINED IN SECTION 413.6.8.2

92-279-A

GRAPHIC SCALE



**PLAN TO ACCOMPANY
A PETITION FOR A
ZONING VARIANCE**
8821 PHILADELPHIA ROAD
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: 11/1/91



KJW

KENNETH J. WELLS, INC.
P.O. BOX 28436
BALTIMORE, MARYLAND
(301) 665 - 3242

LAND PLANNERS AND SURVEYORS